

ORIGINAL

BEFORE ~~DOCKET FILE COPY~~ ~~ORIGINAL~~ **Federal Communications Commission** **RECEIVED**
WASHINGTON, D. C. 20554

MAY 15 1997

In re)
)
Amendment of 47 CFR §73.202(b),)
FM Table of Allotments)
(Arcadia, Missouri))

Federal Communications Commission
Office of Secretary
MM Docket No. 97-
RM-

TO: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

PETITION FOR RULEMAKING

Iron County Broadcasting Company (ICBC), by its attorney, hereby respectfully submits this Petition for Rulemaking and respectfully requests the Commission to amend its FM Table of Allotments, 47 C.F.R. §73.202(b), in the following respect:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Arcadia, Missouri	- -	269A

In support whereof, the following is shown:

1. **Preliminary Statement.** ICBC seeks the Commission to allocate Channel 269A at Arcadia, Missouri in order for that community to have a first local aural broadcast outlet of any type. As will be discussed in greater detail below, the allocation of Channel 269 with the imposition of a site

restriction of 8.98 kilometers south of Arcadia, will allow for compliance with all spacing requirements of Section 73.207 of the Rules while permitting city-grade coverage of all of Arcadia in compliance with Section 73.315 of the Rules. The reference coordinates for the proposed allocation of Channel 269A at Arcadia are as follows:

**37° 30' 33" North Latitude
90° 35' 38" West Longitude**

2. Statement of Interest. In the event that Channel 269A is allocated to Arcadia, ICBC will file an application with the Commission for a construction permit for a new FM Broadcast Station on Channel 269A at Arcadia. In the event that such application is granted, ICBC would construct and operate the resulting FM station.

3. Community Status of Arcadia, Missouri. Arcadia is an incorporated city governed by a Mayor and Board of Alderman. According to the 1990 Census of the United States, Arcadia has a population of 609 persons. Arcadia has its own post office and own unique zip code, 63621. Arcadia has its own municipal police department and volunteer fire department. Arcadia is part of the Arcadia Valley Public School system which consists of an elementary school, a junior high school and a high school. Arcadia

maintains a municipal water plant with a 140,000 gallon capacity as well as a sewer system for its residents. Local economic development is fostered by the Arcadia Valley Chamber of Commerce.

4. Arcadia is located in an immensely popular recreational area that includes portions of the Mark Twain National Forest, the Saint Francois Mountains, Johnson Shut-ins State Park, and Taum Sauk Mountain (the highest point in the state of Missouri). The area also includes Elephant Rocks State Park which features billion year old Precambrian era rock formations. Elephant Rocks is unique in the Missouri Parks System as it features a seven acre park which is surrounded by a "Braille Trail" that was specifically designed with visually impaired guests in mind.

5. Allocation Considerations. The distance and bearing from Arcadia to the Channel 269A reference coordinates is 8.98 kilometers at 160° true. The purpose of the site restriction is to accord full spacing protection to co-channel KLPW(FM), Channel 269A, Union, Missouri., at both its licensed site (38°28'57" N Lat., 91°02'39" W Long.) and a site specified in pending application file number BPH-970228IB (38°28'55" N Lat., 91°02'41" W Long.). A chart showing spacings with all other pertinent allocations in the

region is appended hereto as Exhibit 1. There is appended hereto as Exhibit 2 a digitally generated map, generated by consulting radio engineer R. Lee Wheeler from USGS and NGDC data, which demonstrates the reference coordinates, open area in which to locate a transmitter site for the Arcadia allocation, and predicted 60 dBu and 70 dBu contours showing compliance with Section 73.315 of the Commission's Rules.

6. As an additional public interest justification for the allocation of Channel 269A to Arcadia, Missouri, the Arcadia area is not well served by existing radio stations. The proposed allocation would, in fact, provide just the second FM broadcast service to a large portion, 21.9%, of the allocation's 60 dBu service area. A digitally generated map prepared by Mr. Wheeler, detailing the 60 dBu contour of the proposed allocation as well as all other intersecting 60 dBu contours from licensed FM facilities is appended hereto as Exhibit 3. Mr. Wheeler also determined that when AM broadcast facilities are considered, there remains a small area in which the proposed Channel 269A allocation would provide only the second aural service, AM or FM. A

digitally generated map prepared by Mr. Wheeler detailing this area is appended hereto as Exhibit 4.¹

7. Conclusion. Arcadia, Missouri has no aural broadcast station at present, and the allocation of Channel 269A there would provide the community with a first local broadcast outlet of self-expression, which is a primary objective of 47 U.S.C. §307(b), which calls for broadcast stations to be distributed among the states and communities in a "fair, efficient and equitable manner". With the 8.98 kilometer site restriction, there are locations available for the construction of a Channel 269A transmitter site which are fully-spaced to all existing stations and pending applications and which can provide 70 dBu or better field strength to all of Arcadia. Furthermore, the allocation of Channel 269A would provide for a new FM station which would provide a second aural service to portions of southern Missouri. These are all public interest reasons why this petition should be granted and Channel 269A allocated to Arcadia, Missouri.

¹Mr. Wheeler's determination of overlapping contours was made by searching the FCC's AM and FM databases for a radius of 100 km and plotting the contours listed. In the case of the AM database search the radius was extended to 150 km and larger (10 kW or higher) facilities were plotted. Contours that did not intersect the proposed allocation's contours were then removed from the map.

WHEREFORE, Iron County Broadcasting Company urges that the Commission allocate FM Channel 269A to Arcadia, Missouri.

Respectfully submitted,

IRON COUNTY BROADCASTING COMPANY

By 

Dennis J. Kelly
(D. C. Bar #292631)
Its Attorney

LAW OFFICE OF DENNIS J. KELLY
Post Office Box 6648
Annapolis, MD 21401
Telephone: 888-322-5291

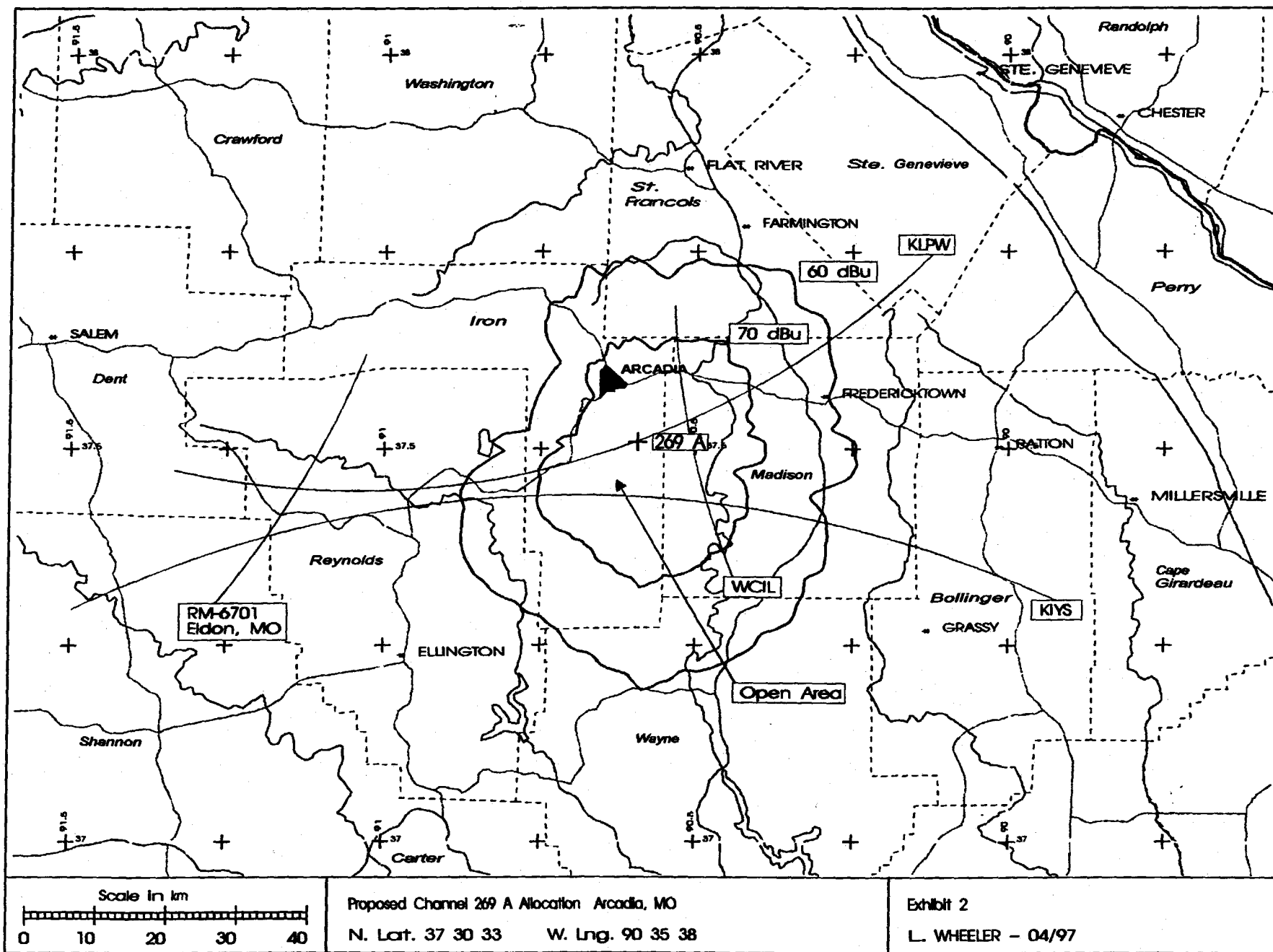
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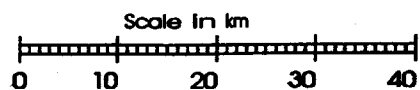
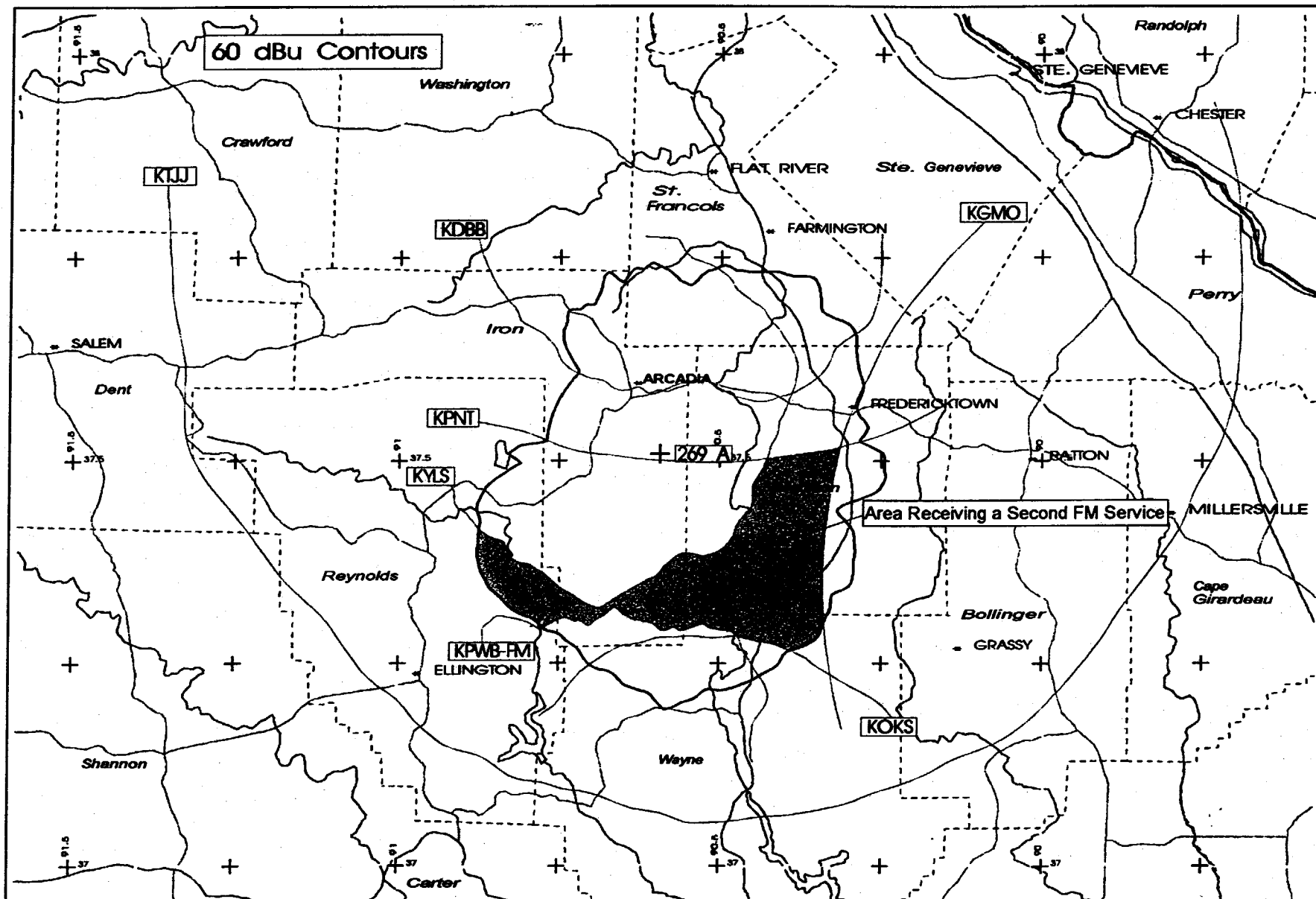
Exhibit 1

IRON COUNTY BROADCASTING COMPANY
Channel 269A, Arcadia, Missouri

REFERENCE	CLASS A	DISPLAY DATES
37 30 33 N		DATA 04-17-97
90 35 38 W	Current rules spacings	SEARCH 04-21-97
----- CHANNEL 269 -101.7 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
KLPWFM	269A	Union	MO	340.1	115.01	115.0	0.01 <
AP CN	38 28 55	91 02 41	5.000 kW	107M	71.5	71.5	
	Virginia Broadcasting Corpora				BPH970228IB		
KLPW	269A	Union	MO	340.1	115.05	115.0	0.05 <
LI HN	38 28 57	91 02 39	2.100 kW	104M	71.5	71.5	
	Virginia Broadcasting Corpora				BLH3353		
WCILFM	268B	Carbondale	IL	78.1	120.45	113.0	7.45
LI CN	37 43 31	89 15 25	50.000 kW	107M	74.9	70.2	
	Lyle Broadcasting Corporation				BLH900904KA		
KIYS	270C	Jonesboro	AR	183.0	172.82	165.0	7.82
LI CN	35 57 14	90 41 41	100.000 kW	323M	107.4	102.6	
	Duke Radio Broadcasting, Inc.				BLH910426KB		
AP216	216C2	Park Hills	MO	4.9	32.52	15.0	17.52
AP CN	37 48 04	90 33 44	10.000 kW	175M	20.2	9.3	
	American Family Association				BPED960122MB		960822
AD270	270C1	Eldon	MO	291.5	173.44	133.0	40.44
AD	38 04 00	92 26 00	0.000 kW	0M	107.8	82.7	
	Lake Broadcasting Inc.				RM6701		
>Counterproposal in D89-120-Pet for Recon							





Proposed Channel 269 A Allocation Arcadia, MO
 N. Lat. 37 30 33 W. Lng. 90 35 38

Exhibit 3
 L. WHEELER - 04/97

